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Human rights situation in Palestine and other occupied Arab territories

Implementation of Human Rights Council resolutions S-9/1 and S-12/1*

Report of the United Nations High Commissioner for Human Rights

Summary

The present ninth periodic report of the United Nations High Commissioner for Human Rights on the implementation of Human Rights Council resolutions S-9/1 and S-12/1, including the human rights situation in the Occupied Palestinian Territory, covers the period from 1 November 2015 to 31 October 2016. It highlights issues of concern in the Occupied Palestinian Territory, including excessive use of force, unlawful killings, arbitrary detention and ill-treatment by Israeli authorities, children in detention, the use of collective punishment and the situation of human rights defenders. It also examines issues of concern in relation to the Palestinian authorities, including restrictions and violations of freedom of expression and peaceful assembly, violence against women and the death penalty. The report makes recommendations to the main duty bearers concerned, namely, the Government of Israel, the Government of the State of Palestine and the authorities in Gaza.

* The present report was submitted late to reflect most recent developments.

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I. Introduction

1. The present ninth periodic report of the United Nations High Commissioner for Human Rights on the Implementation of Human Rights Council resolutions S-9/1 and S-12/1, including the human rights situation in the Occupied Palestinian Territory, covers the period from 1 November 2015 to 31 October 2016.

2. The information contained in the report is drawn largely from human rights monitoring activities conducted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the Occupied Palestinian Territory. The report also reflects information from other United Nations entities and from non-governmental organizations, and should be read in conjunction with other reports of the Secretary-General (A/HRC/34/39; A/HRC/34/38, A/71/355 and A/71/364).

3. During the reporting period, the upsurge in violence that had begun in the West Bank in September 2015 continued. October 2015 had been a particularly bloody month, but attacks against Israelis and shootings by Israeli Security Forces continued at a high rate during the whole reporting period, particularly from November 2015 to February 2016. Despite relatively lower numbers of violent incidents thereafter, the reporting period witnessed high numbers of Palestinian casualties. According to the Office for the Coordination of Humanitarian Affairs, during the reporting period, 172 Palestinians, including 39 children, were killed and 9,279 injured, including 2,480 children. The highest death toll since the second intifada was recorded in the West Bank, including East Jerusalem, with 160 fatalities. Attacks by Palestinians during the reporting period resulted in 24 Israelis killed, including 1 child, and 255 injured, including 17 children.[1] Beyond those statistics, there remains an enduring climate of impunity for law enforcement officers and a general lack of accountability.

4. In Gaza, two years after the escalation of hostilities during the summer of 2014, less than 9 per cent of referred incidents of alleged violations of international humanitarian law and international human rights law, including allegations of war crimes, have led to a criminal investigation. Serious concerns persist regarding the lack of investigations and accountability by both Israeli and Palestinian authorities and the lack of civil remedies and compensation to victims.

5. Those developments occurred against a backdrop of continued occupation by Israel and a lack of unity within the Palestinian Government. As the occupation enters its fiftieth year, and the blockade of Gaza its tenth, there is no solution in sight. As the Secretary-General stated last year, "Palestinian frustration is growing under the weight of a half century of occupation and the paralysis of the peace process".[2]

II. Legal framework

6. A detailed analysis of relevant international human rights law and international humanitarian law and the legal obligations of all duty bearers are contained in the report of the Secretary-General on the human rights situation in the Occupied Palestinian Territory to the thirty-fourth session of the Human Rights Council.[3]

[1] Figures provided by the Office for the Coordination of Humanitarian Affairs.

[2] See www.un.org/undpa/en/speeches-statements/26012016/MiddleEast.

[3] A/HRC/34/38.

III. Human rights violations by all duty bearers

A. Israel

1. Excessive use of force and unlawful killings

7. The reporting period witnessed high numbers of deaths among Palestinians and Israelis, in many cases in circumstances that may amount to violations of international human rights law and standards. United Nations officials have consistently raised concerns over alleged excessive use of force and unlawful killings, including extrajudicial executions by Israeli Security Forces. The High Commissioner has noted the enduring climate of impunity for law enforcement officers. According to available information, one soldier is on trial for manslaughter allegedly committed in Hebron in March 2016, while other cases of killings have not led to a criminal investigation, let alone a trial.[4]

8. In a number of instances monitored by OHCHR, Palestinians were killed as a result of the use of force that appeared to be unnecessary and unwarranted.

9. In the early morning of 21 June 2016, 15-year-old Mahmoud Badran was killed and four other Palestinians, including three children, were injured when Israeli Defense Forces soldiers opened fire at their car as they were driving on an underpass road connecting two Palestinian villages. One of the injured boys told OHCHR that they had been shot without warning by two individuals standing next to a parked car on the Israeli-controlled route 443, above the road on which they had been driving. The shooting continued until the car hit the underpass wall. Initially, Israeli Defense Forces claimed that the boys had been involved in rioting, but a spokesperson for the Israeli Defense Forces later acknowledged that the car had been mistakenly targeted following a stone-throwing incident in the area. The manner of shooting "suspects" raises serious concern about the rules of engagement of Israeli Defense Forces, as the boys had not presented any threat.

10. On 21 September, security guards at a checkpoint near Qalqilya, northern West Bank, shot an unarmed 12-year-old Palestinian girl in the legs as she was approaching them. She was subsequently detained until the following day. Israeli media reports initially referred to the incident as an attempted stabbing by the victim, and the security guards claimed she had not obeyed their order to stop. The girl told OHCHR that she had been unable to understand the guards who were shouting in Hebrew, but had stopped before she was shot and hit twice in the legs at close range. Photographs of the incident corroborate her testimony. The girl had been unarmed and had not presented any threat at the time. The initial claim by Israeli Defense Forces that she had been attempting to attack the security guards was rejected by a military court, which ordered her release.

11. In Gaza, Israeli Security Forces use firearms almost on a daily basis along the Israeli designated "access restricted area" on land and sea. Most of the 420 injuries and 7 fatalities in Gaza caused by Israeli Security Forces during the reporting period were from the use of firearms, often in the context of demonstrations after Friday prayers along the Israel-Gaza fence. During such demonstrations, protesters wave flags and sing, but also throw stones. On occasion, Molotov cocktails are thrown. International human rights standards permit the use of firearms by law enforcement officers only when there is an imminent threat of death or serious injury. Since Israeli Defense Forces have defensive equipment, including bunkers and armoured vehicles, and given the significant distance between soldiers and protestors across the fence, it is not clear whether the threshold to use firearms had been reached in most cases. The practice of Israeli Security Forces along the Gaza fence is consistent with

[4] See A/71/355, paras. 38 and 45, and A/71/364, paras. 9 and 45.

other cases monitored by OHCHR and indicates that they often use firearms against Palestinians on mere suspicion or as a precautionary measure, in violation of international standards.[5]

12. The reporting period saw a significant increase in the use of firearms by Israeli Security Forces for crowd control in the West Bank, particularly in refugee camps. On 16 August 2016, one of the largest search-and-arrest raids, reportedly involving three Israeli Defense Forces battalions, took place in Al-Fawwar refugee camp resulting in clashes between Israeli Defense Forces and Palestinians. On that day, Mohammad Abu Hashash was killed and 32 other Palestinians wounded by gunshots by Israeli Security Forces. Mr. Abu Hashash, who had been unarmed, was shot in the back by a sniper. There was no indication that he had presented an imminent threat. A witness told OHCHR that the situation had been calm in the neighbourhood at the time, and that the street had been empty when Mr. Abu Hashash left his house and was immediately shot without warning.

13. In 2016, over half of all injuries suffered by Palestinians from live ammunition occurred in refugee camps.[6] Many such injuries have resulted in loss of limbs and other permanent disabilities, including blindness. Human rights groups have raised concerns over the use by Israeli Security Forces of 0.22 Ruger rifles as a means of crowd control, in violation of official regulations[7] and international standards, which allow the use of firearms only in the event of an imminent threat. Interviews conducted by OHCHR from Al-Fawwar, Ad-Duhiesha and other refugee camps suggest that this practice of using live ammunition is continuing. UNRWA has also expressed concerns with the Israeli authorities about the alarming use of live ammunition.[8] Such extensive use of firearms raises doubts as to whether the acts of Israeli Security Forces are consistent with their obligation to exercise restraint and minimize injury.[9]

14. The High Commissioner previously raised concerns about the inappropriate use of less lethal weapons.[10] Notwithstanding, the Office for the Coordination of Humanitarian Affairs recorded that 3 people were killed and 7,678 injured by such weapons. On 9 September 2016, for example, a 16-year-old boy was hit in the face and killed with a flare during a protest at the Israel-Gaza fence east of Al-Boureij. The flare cartridge was recovered and medical records showed that the cause of death was associated with a perforation above the boy's left eye. OHCHR monitoring indicated that he had been hit while trying to throw back a tear-gas canister fired by Israeli Security Forces some 20 metres away. A witness testified that a soldier may have fired the flare directly at the child.

15. The Secretary-General has specifically highlighted the dangers of black sponge bullets used by Israeli Security Forces in East Jerusalem.[11] Israeli police regulations state that sponge bullets should not be used against children and should not be aimed towards the upper part of the body. Nevertheless, on 19 July, 10-year-old Mohyi al-Tabakhi was killed after being shot in the chest by a black sponge bullet from a distance of 25-30 metres. According to two witnesses, Israeli Security Forces fired tear gas at older children who had been throwing stones towards them. One witness told OHCHR that a border guard shot a sponge-bullet directly at Mohyi. The bullet hit him in the chest and he collapsed after taking a few steps. A man who came to rescue the child was also shot in the arm with a sponge bullet.

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[5] See www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx (Principle 9).

[6] See www.ochaopt.org/content/monthly-humanitarian-bulletin-september-2016.

[7] See www.btselem.org/firearms/20151102_october_west_bank_demonstrations.

[8] See www.unrwa.org/newsroom/emergency-reports/gaza-situation-report-161-162.

[9] See www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx (Principle 5).

[10] See A/HRC/31/40, para. 26.

[11] See A/71/364, para. 16.

16. The Secretary-General has raised concerns over the arbitrary deprivation of life due to non-provision of medical assistance and to the Israeli practice of preventing Palestinian first responders from treating wounded attackers or suspects.[12] Such cases appear to be continuing in violation of international standards.[13]

17. On 30 September 2016, a Palestinian man was shot by Israeli Security Forces at Qalandiya checkpoint. Within a few minutes, a Palestinian Red Crescent Society ambulance reached the area but the gates at the checkpoint had been closed. One of the paramedics told OHCHR that he had approached the border guards at the gate but withdrew after one of them raised his rifle. Although he could see the wounded man on the ground for the 15 minutes that he was there, he was not allowed to provide medical assistance. A second Palestinian Red Crescent Society ambulance, which attempted to reach the man from the Jerusalem side of the checkpoint, was also prevented from approaching. The wounded man subsequently died. In another case, on 20 September 2016, a Palestinian Red Crescent Society paramedic said that he had been blocked by soldiers while trying to attend to a child who had been shot near Bani Na'im. The non-governmental organization Physicians for Human Rights-Israel has documented many attacks by Israeli Security Forces against Palestinian health-care teams.[14]

2. Detention and ill-treatment

18. According to the Palestinian non-governmental organization Addameer, the number of Palestinians held in Israeli detention increased from 6,300 in November 2015 to an estimated 7,000 by the end of October 2016,[15] including 387 boys, 51 women and 13 girls. That is reported to be the highest number of detainees at any one time since June 2010, due to frequent raids and search-arrest operations by Israeli Security Forces throughout the reporting period in the West Bank, including East Jerusalem. Most detainees continue to be held in Israel, in contravention of article 76 of the Fourth Geneva Convention.[16]

19. Of those detained, 350 individuals are reportedly from Gaza.[17] According to the Al-Mezan Centre for Human Rights, at least 155 fishermen, including 19 children, were arrested by the Israeli navy during the reporting period.[18] This is the highest number of fishermen arrested since at least 2009. Fishermen told OHCHR that, when arrested at sea, they were forced to undress, jump into the sea and swim towards the Israeli boat. Some were required to do this after being injured by gunfire or from the ramming of their fishing boats. They were also prohibited from contacting their families or a lawyer while in detention.

20. In addition, over 50 Gazans, including at least 14 children, were arrested while attempting to cross the Gaza-Israel fence or at the Erez crossing. In one case monitored by OHCHR, on 10 August 2016, a 43-year-old man was arrested at Erez as he was crossing to accompany his daughter for medical treatment in Israel. He was accused of being affiliated with Fatah's military wing and was only released by the Ashkelon Magistrate Court six days later. He told OHCHR that, during his detention, Israeli security officers threatened that his daughter would no longer be allowed access for medical treatment in Israel if he did not confess to their charges.

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[12] Ibid., para. 11.
[13] See www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx (Principle 5c).
[14] See www.phr.org.il/en/israel-delays-investigations-attacks-healthcare-teams.
[15] See www.addameer.org/news/joint-report-estimates-554-palestinians-arrested-october-2016.
[16] See A/71/364, para. 33.
[17] See www.addameer.org/statistics.
[18] Figures provided by Al-Mezan.

21. On 15 June and 3 July respectively, the Head of the Gaza World Vision office and a United Nations Development Programme contractor were arrested at Erez on allegations of misusing their positions and diverting humanitarian funds to aid military efforts of the Al-Qassam Brigades. Their respective trials are ongoing. Both defendants experienced delayed access to their lawyers during interrogation and have alleged ill-treatment by Israeli officials during pretrial detention.

22. Almost 800 Palestinians were held in administrative detention between November 2015 and October 2016. That is higher than at any time since early 2008. On the eve of the second intifada (in mid-2000), Israel reportedly held 12 Palestinians in administrative detention.[19] Since then, it has become a widespread and systemic practice, with hundreds held without charge or trial every year in breach of article 9 of the International Covenant on Civil and Political Rights and the principle of the exceptional nature of administrative detention permissible by international law.[20]

23. On 13 June 2016, 35-year-old Bilal Kayed began a six-month period of administrative detention. Like almost all others, he was detained on unspecified security grounds on the basis of secret evidence. His case is particularly egregious as he was placed in administrative detention on the day he was due to be released from prison after serving his sentence of 14 years and 6 months. On 15 June, Mr. Kayed started a hunger strike, which he suspended 71 days later after reaching an agreement with the Israeli authorities. He was due to be released in December 2016. Other hunger strikers during the reporting period have included Malek al-Qadi (released on 22 September) and brothers Muhammad and Mahmoud Balbul (due to be released in December 2016). Nine Palestinians remained on hunger strike in Israeli prisons at the time of reporting, including three men who continued to protest against their administrative detention.

24. Instead of taking steps to end the practice of administrative detention, the Government of Israel is taking steps to amend laws to incorporate aspects of such detention and other administrative restrictions from the current emergency regime into regular law.[21] Administrative detention also appears to be increasing with respect to Israeli citizens, 20 of whom were held in the past year. Most were described as Palestinian "terrorists" by the Deputy Attorney General in a Knesset Committee hearing.[22]

3. Children in detention

25. The arrest of children significantly increased during the reporting period. According to The United Nations Children's Fund (UNICEF), 671 Palestinian children were arrested in East Jerusalem alone from November 2015 to September 2016.[23] According to Addameer, 400 children remained in detention at the end of October 2016.[24]

26. The practice of holding children in administrative detention also continued. The organization Defence for Children International reported that at least 15 children were held without charge during the reporting period, 6 of whom remained in administrative detention as at 31 October 2016. The detention since 3 December 2015 of 17-year-old Mohammad Hashlamoun from East Jerusalem is emblematic.[25] Accused of planning an attack on Israelis, he was reportedly detained in solitary confinement for 22 days, without access to a

[19] See www.addameer.org/Campaign/stop-administrative-detention.
[20] See www.btselem.org/administrative_detention/statistics.
[21] See www.haaretz.com/israel-news/.premium-1.749400.
[22] See www.haaretz.com/israel-news/.premium-1.750123.
[23] Figures provided by UNICEF.
[24] See www.addameer.org/statistics.
[25] See www.dci-palestine.org/israeli_authorities_detain_palestinian_teen_without_charge.

lawyer. When a judge ordered his release on bail, the authorities instead held him under administrative detention, using Israel's emergency laws. He was released six months later, having never been tried for any offence. Five other children were detained for posting comments on social media that were deemed to constitute incitement.[26]

27. In September 2016, the United Nations Working Group on Arbitrary Detention highlighted the flaws of the Israeli system of administrative detention and found that the detention of a 16-year-old from Ramallah had been arbitrary.[27] However, the boy remains in detention.

28. The High Commissioner has previously raised concern about changes in law and policy that have sought to increase the time that Palestinian children in East Jerusalem spend in prison — both during pretrial detention and after conviction.[28] In at least eight cases documented by OHCHR, children between the ages of 14 and 16 years received an average of more than two years in prison for throwing stones, with sentences ranging from 12 to 39 months. Prior to the changes in Israeli legislation and policy guidelines between 2014 and 2015, they would have been sentenced to between two and four months for the same offence.[29] The Association for Civil Rights in Israel, which examined such cases until December 2015, found a significant increase in the duration that Palestinian children in East Jerusalem spend in detention, leading also to questionable plea bargains based on confessions obtained under duress.[30]

29. In August 2016, Israel's Parliament approved amendments to the Israeli Youth Law, which allows for children between the ages of 12 and 14 to be sentenced to imprisonment for specific serious violent crimes, including murder, manslaughter and attempted murder. Under the amendments, the actual serving of the sentences would be deferred until the children found guilty of such crimes reach the age of 14. The High Commissioner is concerned that such steps ignore the importance of rehabilitation for children and noted the law is inconsistent with Israel's obligations under international law to explore alternatives to imprisonment, which should only be a last resort for children.

30. Although the Israeli authorities apply the law to children in Israel and in occupied East Jerusalem, statements by politicians that cast the law as a response to terrorism raise concerns that it will be used predominantly against Palestinian children in occupied East Jerusalem.[31] Military law applied by Israel in other parts of the West Bank already allows for Palestinians over the age of 12 to be imprisoned.

4. Collective punishment

31. The practice of collective punitive action, which is unlawful and prohibited by international law, increased during the reporting period. Israel continued to punitively demolish family homes of Palestinians who reportedly attacked Israelis and to withhold the bodies of alleged attackers who are killed to prevent families from conducting funeral rites. According to the Office for the Coordination of Humanitarian Affairs, in the reporting period, 41 homes were demolished or sealed, leading to the forcible eviction of 218 Palestinians, including 89 children. At the time of reporting, the bodies of 27 alleged attackers who had been killed were still being held by Israeli authorities.[32]

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[26] See www.dci-palestine.org/facebook_posts_land_palestinian_teens_in_administrative_detention.
[27] See A/HRC/WGAD/2016/24.
[28] See A/HRC/31/40, para. 50.
[29] See www.dci-palestine.org/east_jerusalem_teens_hit_with_harsh_sentences_for_throwing_stones.
[30] See www.acri.org.il/en/wp-content/uploads/2016/02/Arrested-Childhood0216-en.pdf.
[31] See www.knesset.gov.il/spokesman/eng/PR_eng.asp?PRID=12206.
[32] Figures provided by OCHA.

32. Collective punishment is not limited to the immediate families of alleged attackers. Following the gun attack in Tel Aviv on 8 June 2016 in which four Israelis were killed, the Israeli Prime Minister's Office announced the revocation of 204 work permits issued to the attackers' extended families and suspended all 83,000 permits granted to West Bank and Gaza residents to travel to Jerusalem and Israel during Ramadan.[33] The Government also announced the mass revocation of work permits for residents of Bani Na'im, the village from which some of the Palestinian attackers originated.[34]

33. The closure of entire villages and towns as a form of punishment continued to be implemented during the reporting period. For example, the three main entrances of the village of Bani Na'im were closed off between 30 June and 10 August 2016, after a Palestinian resident killed a child in a nearby Israeli settlement. The absence of vehicular access for 40 days to the village had a significant impact on the lives of the 27,000 residents and particularly affected the functioning of the 30 local stone-cutting factories. A crew from the Palestinian Red Crescent Society told OHCHR that the closure of the village had created lengthy delays in the provision of emergency health care, effectively forcing first responders to carry patients over large earth mounds to transfer them to ambulances outside the village.

34. After a shooting incident on a nearby highway on 1 July in which one Israeli was killed, the Israeli Prime Minister announced "aggressive measures" that included cordoning off the entire Hebron district of 700,000 people.[35] Severe restrictions imposed through most of July followed.[36] The strategic use of collective punishment measures appears to be part of the Israeli Defense Minister's "carrot and stick" policy announced on 17 August, by which villages from where Palestinian attackers originated would face increased punitive measures.[37] As the Secretary-General has pointed out, "closures — such as those in Hebron — as well as punitive demolitions and blanket revocations of permits penalize thousands of innocent Palestinians and amount to collective punishment".[38]

35. Israeli politicians have continued to call for measures of collective punishment. After a gun attack in Jerusalem on 9 October 2016, the Deputy Mayor of Jerusalem, who also chairs the planning and building board, announced the shelving of all construction plans for residents of East Jerusalem. He further suggested dividing Palestinian neighbourhoods of the city and the forcible transfer of family members of attackers to Gaza to change their "animal behaviour", adding "there are no carrots left, only sticks".[39] The Mayor of Jerusalem later denied that this view represented municipal policy. OHCHR is unaware of any action subsequently taken against the Deputy Mayor.

36. The ongoing Israeli blockade, which also constitutes a form of collective punishment, continued to restrict the enjoyment by Gazans of a range of human rights, including their right to freedom of movement and their economic and social rights.[40] The blockade remains a key driver of Gaza's humanitarian crisis, along with high

[33] See www.pmo.gov.il/English/MediaCenter/Spokesman/Pages/spokeCabinet090616.aspx.

[34] See www.pmo.gov.il/English/MediaCenter/Spokesman/Pages/spokeStart030716.aspx.

[35] Ibid.

[36] See www.ochaopt.org/content/hebron-governorate-movement-restrictions-5-july-2016.

[37] See www.jpost.com/Arab-Israeli-Conflict/Liberman-unveils-new-carrot-and-stick-policy-for-West-Bank-Palestinians-464360; www.haaretz.com/israel-news/1.724089, and www.ynetnews.com/articles/0,7340,L-4843007,00.html.

[38] See www.unsco.org/Documents/Statements/MSCB/2008/Security%20Council%20Briefing%20-%2012%20July%202016.pdf.

[39] See www.haaretz.com/israel-news/.premium-1.746987.

[40] See A/71/364, para. 28; and A/HRC/31/44, para. 40.

unemployment (41.7 per cent),[41] especially among young people as a whole (57.6 per cent)[42] and young women in particular (82 per cent).[43] Nearly 40 per cent of Gazans live below the poverty line, and 47 per cent of households are moderately to severely food insecure.[44]

37. While there has been some improvement in the levels of exports and imports since 2014, they remain much lower than the pre-blockade levels. Some 65,000 Palestinians, whose homes were destroyed or severely damaged during the 2014 hostilities, remain displaced as a result of continued restrictions on the entry of building materials and lack of international funding.[45]

38. During the reporting period, there was a significant deterioration in the movement of people from and to Gaza through Erez — the only crossing point for people to Israel, the West Bank and beyond. The situation was further exacerbated by the almost continuous closure by Egypt of the Rafah passenger crossing and by Jordan's increasing refusal to grant passage through the Allenby crossing to Palestinians from Gaza.

39. Exit from Gaza through Erez is only permitted for Palestinian nationals on the basis of a narrow set of criteria. Even as the total number of exit permits issued for travel from Gaza through Erez reportedly increased,[46] the actual number of people exiting Gaza through the crossing declined by 15 per cent in the first half of 2016. By the end of October, the monthly average exit rate reached its lowest level in almost two years.[47] Israeli authorities tend not to provide reasons to justify the refusals. In rare cases, applicants are informed that refusals were made on "security grounds".

40. For medical patients seeking treatment outside Gaza, only 70 per cent of applications for access through Erez were approved on average during 2016. This was the lowest approval rate since June 2009.[48] Between January and September 2016, Israeli authorities also revoked nearly half of the 3,500-3,700 permits previously granted to Palestinian merchants and traders.[49]

41. Palestinian authorities are also affected by these restrictions. In October 2016, Israeli authorities reportedly revoked the exit permits of 12 senior officials from the Palestinian General Authority of Civil Affairs, resulting in nearly all the employees of the institution being banned from travel despite their key role in coordinating movement through Israeli crossings.[50]

42. Human rights defenders have complained to OHCHR about restrictions imposed on their movement through Erez. Since March 2016, a 52-year-old woman human rights

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[41] See www.pcbs.gov.ps/portals/_pcbs/PressRelease/Press_En_LFSQ22016E.pdf.

[42] See http://gisha.org/updates/5483.

[43] See www.worldbank.org/en/country/westbankandgaza/publication/economic-monitoring-report-to-the-ad-hoc-liaison-committee-september-2016.

[44] See www.ochaopt.org/content/gaza-two-years-2014-hostilities-august-2016.

[45] See www.ochaopt.org/content/gaza-crossings-operations-status-monthly-update-september-2016.

[46] Figures provided by the Palestinian General Authority of Civil Affairs, October 2016.

[47] See www.ochaopt.org/content/decline-number-palestinians-leaving-gaza-including-humanitarian-staff-and-patients, and Gaza Crossings database of the Office for the Coordination of Humanitarian Affairs.

[48] See World Health Organization monthly reports on referral of patients from the Gaza Strip for the period November 2015-October 2016, available from www.emro.who.int/pse/publications-who/monthly-referral-reports.html.

[49] See http://gisha.org/UserFiles/File/publications/Security_blocks/Security_blocks_factsheet_designed.pdf.

[50] See http://maannews.com/Content.aspx?id=773634.

defender has been denied access to continue her cancer treatment on "security grounds", despite the fact that she had until then been consistently allowed to leave for medical purposes.

43. Movement restrictions are also affecting the operations of humanitarian organizations, including the United Nations. At the end of the reporting period, the monthly denial rate of exit permit applications for United Nations staff from Gaza had reached 52 per cent, in contrast to the average denial rate of 3 per cent in 2015. In the first half of 2016, 32 Palestinian staff members of the United Nations and international non-governmental organizations had been denied the possibility of reapplying for new permits within a 12-month period by the Israeli Security Agency.[51]

5. Lack of accountability in the context of hostilities

44. Low-level hostilities between Palestinian armed groups and Israeli forces persisted during the reporting period. The High Commissioner continues to raise alarm over the firing by Palestinian armed groups of unguided rockets from populated areas towards civilian areas in Israel. At the same time, concerns remain over whether Israeli attacks are proportional or whether necessary precautions are taken to prevent civilian casualties.[52]

45. The lack of accountability for past violations of international human rights and international humanitarian law committed by the parties only serves to fuel the conflict. Two years after the escalation of hostilities in Gaza, justice remains elusive.[53] Less than 9 per cent of referred incidents of alleged violations of international humanitarian law and international human rights law, including allegations of war crimes, have led to a criminal investigation, and the lack of investigations and accountability by the Israeli authorities, as well as lack of civil remedies and compensation to victims, remain of serious concern.

46. In the latest update from the Military Advocate General of the Israeli Defense Forces on "Exceptional Incidents that Allegedly Occurred During Operation 'Protective Edge'" (August 2016), the Military Advocate General decided to close, without opening a criminal investigation, approximately 80 additional incidents that had been examined by the Fact-Finding Assessment Mechanism,[54] which had determined that the actions of the Israeli Defense Forces involved did not give rise to reasonable grounds for suspicion of criminal behaviour.[55]

6. Human rights defenders

47. The reporting period witnessed continued harassment and intimidation of human rights defenders — both Palestinian and Israeli — by Israeli authorities. Palestinian human rights activists in particular continue to be arrested. On 26 October 2016, Israeli Security Forces raided the house of Mr. Salah Khawaja, coordinator of the Popular Campaign against the Wall, and arrested him, apparently in relation to his work as Secretary of the Boycott, Divestment and Sanctions National Committee. The allegations against him are not known and, since interrogations began in mid-November, he has not been allowed to meet with a lawyer or with family members. Other activists, including Issa Amro and Farid al-Atrash, in Hebron, face criminal charges for their human rights work, while Imad Abu

[51] See footnote 50.
[52] A/71/364.
[53] A/71/364.
[54] See http://mfa.gov.il/MFA/ForeignPolicy/IsraelGaza2014/Pages/Israel-Investigation-of-Alleged-Violations-of-Law-of-Armed-Conflict.aspx.
[55] See www.law.idf.il/163-7596-en/Patzar.aspx.

Shamsiyya, who documented an apparent extrajudicial execution in Hebron, continues to receive threats on the social media website Facebook.[56]

48. Organizations involved in international campaigning have also been targeted. Since September 2015, Al-Haq has been subject to regular harassment from anonymous sources. This includes spreading false information about the organization to the public and media and making allegations of financial misconduct. In February 2016, Al-Haq's Europe Director, who also focuses on advocacy with the International Criminal Court, received anonymous death threats. Al-Haq believes this is part of an "institutionalized, planned and very well-resourced" Israeli campaign.[57] Other Palestinian organizations, including Al-Mezan, have also been similarly threatened.[58]

49. Israeli human rights organizations have also been facing increasing pressure. In July, the Knesset passed the so-called "non-governmental organization transparency law". Despite the name, as the Secretary-General noted, the law "contributes to a climate in which the activities of human rights organizations are increasingly delegitimized".[59] The High Commissioner and several Special Rapporteurs had previously warned of the chilling effect of the law on the civil society space in Israel, the Occupied Palestinian Territory and beyond.[60]

50. Senior Israeli leaders and politicians have reinforced this chilling effect by making statements that publicly malign human rights organizations. In October 2016, the Israeli organization B'tselem faced vitriolic attacks after its Director had briefed the Security Council. Senior figures, including the Prime Minister and the Permanent Representative of Israel to the United Nations, publically condemned him. The Chairman of the ruling coalition called for his citizenship to be stripped.[61] B'tselem staff subsequently received threats. The High Commissioner is concerned that the rhetoric by public figures is contributing to an increasingly repressive environment in which human rights organizations and activists in Israel are seen as legitimate targets for threats and violence by nationalist elements.

B. Palestinian authorities

51. Relations between the Palestinian Authority and the authorities in Gaza remain strained,[62] and these divisions continue to undermine the respect and protection of human rights in the Occupied Palestinian Territory.[63]

52. In 2014, the Government of the State of Palestine acceded to seven human rights treaties. The process of drafting the initial reports to the respective treaty bodies is under way. The most advanced report, to the Committee on the Elimination of Discrimination against Women, has been inclusive of the views of civil society and the Independent Commission for Human Rights, based on a national consultation held in February 2016 and attended by civil society organizations from the Gaza Strip and the West Bank, including

[56] See www.btselem.org/press_releases/20160901_btselem_volunteer_life_threatened.
[57] See www.alhaq.org/advocacy/topics/human-rights-defenders/1026-al-haq-under-attack-staff-members-life-threatened.
[58] See www.mezan.org/en/post/21475/Al+Mezan+Condemns+Continued+Death+Threats+to+Staff+Members+and+Calls+on+the+International+Community+to+Intervene.
[59] See footnote 39.
[60] See www.un.org/apps/news/story.asp?NewsID=54319#.WCXEZS196M9.
[61] See www.haaretz.com/israel-news/1.748609.
[62] See www.ichr.ps/en/1/6/1941/ICHR-21st-Annual-Report.htm.
[63] See www.ochaopt.org/content/humanitarian-impact-divided-government.

East Jerusalem. The event was facilitated by the Commission, with support from the international community, including OHCHR. The High Commissioner encourages the Government to continue on this path of dialogue and consultations with all stakeholders.

1. West Bank

Excessive use of force and unlawful killings

53. OHCHR monitored a number of allegations of excessive use of force and extrajudicial killing by Palestinian security forces. On 18 August 2016, two Palestinian security officers were shot dead during an arrest campaign led by Palestinian security forces in the old city of Nablus. The next day, those forces carried out a raid and killed two alleged suspects in unclear circumstances. On 23 August, Palestinian security forces arrested a third suspect, a 50-year-old police officer, Ahmed Halawa. One of his family members told OHCHR that Mr. Halawa had been severely beaten during his arrest at his house. Mr. Halawa was taken to Jeneid prison in Nablus, where officers of the Palestinian security forces allegedly beat him to death. Senior officials, including the Governor of Nablus, have made admissions to that effect. Images of the victim's body circulated on social media reveal the extent of the beating. The Palestinian Authority immediately established a committee of inquiry into the apparent extrajudicial execution but, at the time of reporting, OHCHR had not been able to obtain information on the outcome.

54. On 7 June 2016, Palestinian security forces shot and killed Adel Jaradat, a 21-year-old man, in Silat al Harithiya village, northern West Bank. Mr. Jaradat was shot in the thigh while commuting to work when Palestinian security forces were firing live ammunition at a crowd that had begun throwing stones. He died, apparently owing to severe bleeding. The Governor of Jenin announced an investigation on the same day. Palestinian officials informed OHCHR that the investigation was still ongoing.

Arbitrary arrest and detention

55. During the reporting period, the Independent Commission for Human Rights received 264 complaints of arbitrary detention in the West Bank. OHCHR also continued to receive reports of arbitrary arrest and detention by Palestinian security forces; mainly of individuals affiliated with opposition groups or media professionals and bloggers critical of Palestinian authorities.[64]

56. The Independent Commission for Human Rights documented 71 complaints concerning cases of detention in which a court order to release the accused had not been implemented by Palestinian security forces. In many cases, the forces effectively circumvent the order by rearresting the same person on a new charge.[65]

57. One emblematic case monitored by OHCHR occurred on 18 August 2016 when a Palestinian man was arrested by the General Intelligence Service for "raising funds for an illegal society". He told OHCHR that, during the interrogation, officers repeatedly said they were not interested in his activities, but that he needed to convince his sister to stop her political activities at university. On 25 August, a court ordered his release, but he was rearrested as soon as he stepped outside the gates of the General Intelligence Service premises. He was not brought before the prosecutor or court until 1 September, despite the fact that article 34 of the Penal Procedure Law No. 3 of 2001 provides that detained individuals must be brought before a court within 24 hours. On 4 September, he was indicted for "unlawful possession of a weapon". Although the court ordered his release on 7

[64] Figures provided by ICHR.

[65] Ibid.

September, General Intelligence Service officials held him for another day, apparently while they awaited clearance from their Ramallah headquarters. On 8 September, he was released, but continued to face harassment for a further 10 days.

58. OHCHR continued to monitor cases in which Palestinians were arrested on the orders of Governors for charges relating to public order or national security, and where there is no intent to charge or prosecute.[66] During the reporting period, the Independent Commission for Human Rights documented 88 such cases, a slight increase compared with the previous year.[67] The High Commissioner previously highlighted the issue of Palestinian administrative detention, which can last for six months without any review by a judge. He is concerned that the practice is becoming a routine, targeting opposition activists.[68]

Freedom of expression and peaceful assembly

59. The Palestinian Basic Law of 2003 recognizes the rights to freedom of expression and peaceful assembly. Nonetheless, OHCHR continued to receive regular reports of media professionals, human rights defenders and political opponents in the West Bank being arrested, threatened, harassed and intimidated for questioning or challenging the Palestinian Authority. The Palestinian Centre for Development and Media Freedoms documented 90 such complaints by media professionals against Palestinian security forces during the reporting period, including raids of homes and confiscation of equipment, detention and summoning for interrogation.[69]

60. In one instance, on 23 August 2016, Advocate Wa'el al-Hazzam was invited for an interview by a television channel to discuss political tensions and the apparent extrajudicial execution of Ahmed Halawa, who had allegedly been killed by Palestinian security forces in Nablus. He told OHCHR that three officers of the Preventive Security Service had approached him at the television studio and threatened him with arrest if he conducted the interview. Later that day, two armed men fired more than 10 bullets at his house. On 1 September, OHCHR wrote to the Minister of the Interior expressing concerns about the incident. The Minister's reply indicated that an investigation was ongoing. As at mid-November 2016, no further information was available.

61. The Jordanian Penal Code that prevails in the State of Palestine provides overly broad provisions for defamation, humiliation or abasement of or insult to public officials and figures and has been used by the authorities to impose restrictions on freedom of expression. On 3 October 2016, a Palestinian who had been arrested in 2014 and subsequently released on bail for a comment posted to Facebook that allegedly mocked the Palestinian leadership was convicted of "defamation against public authority" by the Ramallah Magistrates' Court and sentenced to three months of imprisonment under article 191 of the Jordanian Penal Code.

62. The reaction of the Palestinian Authority to a teachers' strike in February 2016 illustrates the shrinking space to exercise the rights to freedom of expression and to peaceful assembly. On two occasions, on 23 February and 7 March 2016, not only were some teachers and their representatives arrested and held for interrogation overnight, but bus drivers and transportation companies were also prevented from transporting teachers to Ramallah in order to stymie their peaceful demonstration outside the Cabinet offices. OHCHR also documented instances in which Palestinian security forces had confiscated the identity cards of teachers and forced them off public transport to prevent their participation

[66] The Jordanian Crime Prevention Law 1954 is still applicable in the West Bank.
[67] Figures provided by ICHR.
[68] See A/HRC/31/40, paras. 56-59.
[69] See www.madacenter.org/reports.php?id=13&lang=1.

in demonstrations. OHCHR raised these concerns with the Prime Minister both in person and in writing but no response has been received to date.

Violence against women

63. Women in the Occupied Palestinian Territory face multiple layers of violence and discrimination. In September 2016, the Special Rapporteur on violence against women, following her country visit, highlighted the prevalence of deeply embedded forms of violence against women — including domestic violence, early marriage, sexual violence (including rape and incest) and "honour killings" — which, she noted, were "petrified in a context of prolonged occupation".[70]

64. There are no reliable statistics available on "honour killings" in the West Bank, but OHCHR is concerned that loopholes in the law remain for such killings to be effectively condoned. Although a presidential decree in May 2014 removed one specific provision to mitigate sentences for perpetrators of "honour crimes" in such cases (article 98 of the Penal Code), judges can still use the broad discretionary power to apply mitigating factors (article 99) in "honour killings".[71] In one case monitored by OHCHR, a 48-year-old man who had killed his wife to "defend his honour" was sentenced to only two years' imprisonment by a court in Nablus on 31 May 2016. The judge observed that the crime had been committed "in a fit of rage that was the result of an unlawful and dangerous act by the victim", and the convicted man received the benefit of mitigation under article 98 as the murder had taken place before the decree.

Death penalty

65. No executions were carried out in the West Bank during the reporting period. The President of the State of Palestine continued his practice of not ratifying death sentences, as required by the Basic Law for any execution to take place. Death sentences, however, continue to be administered. Thus, on 29 December 2015, the Criminal Court of Jericho sentenced a man to death for murder. The ruling is currently under appeal.

2. Gaza

Right to life

66. The reporting period saw a concerning resumption in executions in Gaza. On 31 May 2016, three men convicted of murder were executed. These executions were carried out without the approval of the President of the State of Palestine, thereby flouting Palestinian law and denying the right to be considered for pardon or commutation of the sentence (see article 6 (4) of the International Covenant on Civil and Political Rights).[72] On 7 February 2016, Al-Qassam Brigades (the military wing of Hamas) announced the execution of one of its members for "moral and behavioural misconduct". In addition to reports of ill-treatment and incommunicado detention for over a year, the execution appears to have been extrajudicial as the decision was taken by the internal military and sharia justice of Al-Qassam Brigades, which is not part of the formal judiciary in Gaza.[73]

67. Death sentences continue to be pronounced by Gaza courts. According to the Palestinian Centre for Human Rights, 19 individuals were sentenced to death during the

[70] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20584&LangID=E.

[71] See www.ohchr.org/Documents/Issues/Women/WRGS/Executive_summary_study_called_honour_killings_Palestine.pdf.

[72] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20037&LangID=E.

[73] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=17035&LangID=E.

reporting period for offences including murder and collaboration with hostile parties. Ten of the sentences were handed down by military courts, in contravention of international law, which prohibits the trial of civilians by military courts. OHCHR has serious doubts as to whether civil and military trials in Gaza meet international standards on the right to a fair trial.

68. In one such case, on 5 October 2016, a court in Khan Younis sentenced a woman to death for murdering her husband. OHCHR monitoring of the case indicated that the woman had been given only limited access to legal counsel during her trial and the court had not considered mitigating factors, notably the woman's claim that she had been subjected to regular physical and verbal abuse by her husband.

69. On 17 February 2016, a 39-year-old Palestinian man from Al Zawaida died in Deir El Balah police station shortly after he had appeared for questioning. The police claimed that he had died owing to pre-existing health conditions, which his family denied. OHCHR is not aware of any investigation into the incident initiated by the authorities in Gaza.

Arbitrary detention, torture and ill-treatment

70. Security forces in Gaza continued to arbitrarily arrest and detain people, including without charge. OHCHR monitored the case of a 31-year-old man from Jabalia who was arrested by the police on 24 January 2016 for "misusing technology". After being detained for two days at the Arafat police compound, he was transferred to the correction and rehabilitation centre, where he remained for at least six months without being formally charged or presented to a court.

71. OHCHR also received reports of individuals held in incommunicado detention and instances of ill-treatment, including prolonged solitary confinement and verbal or physical abuse. In many cases, detainees are moved between detention facilities making them more susceptible to ill-treatment and arbitrary detention.

72. On 25 September 2016, the Internal Security Agency in Rafah arrested a General Intelligence Service officer and Fatah member for collaborating with the authorities in Ramallah. At the time of reporting, he remained in solitary confinement in the Internal Security Agency detention facility in Gaza. OHCHR was informed that the military prosecutor had ordered his detention for an additional 60 days and is concerned about reports that he had been beaten and subjected to *shabeh* (e.g. stress positions) during interrogation, in violation of the prohibition of torture and ill-treatment.

73. Arbitrary detention and ill-treatment are also carried out by armed groups that are connected to but not a part of the authorities in Gaza. OHCHR monitored the case of a 29-year-old man from Dier El Balah who had been arrested by the Al-Qassam Brigades on 18 June 2016 for the unlawful possession of a weapon. He was held in incommunicado detention at their camp for nearly two weeks and subjected to prolonged *shabeh* and beatings. He was subsequently transferred to the Internal Security Agency detention facility, where his detention was extended by the military prosecutor.

74. According to figures provided by the authorities in Gaza, as at 5 August 2016, some 2,000 prisoners and detainees were being held at the main correction and rehabilitation centre in Gaza city and at 18 temporary detention facilities (called *nazaraat*) run by the civil Police across the Gaza Strip. The limited capacity of the judiciary has led to lengthy periods of pretrial detention and overcrowding in the *nazaraat*, which also raises concerns about conditions of detention in these supposedly temporary detention facilities.

Rights to freedoms of expression, association and peaceful assembly

75. The Palestinian Centre for Development and Media Freedoms reported some improvement in 2016 with respect to freedom of expression compared with 2015.[74] It nonetheless documented at least 30 violations in Gaza from November 2015 to August 2016, mostly related to the summoning, arrest, detention, torture and ill-treatment of journalists. OHCHR monitored the case of a 29-year-old journalist who had been arrested by the Israel Security Agency on 1 September 2016 and detained for one day after the authorities claimed he had published confidential documents on social media. His laptop computer, mobile telephone and other personal belongings were reportedly confiscated during the arrest. He was eventually released without being charged with any criminal offence. He alleged that he had been subjected to ill-treatment in detention, including *shabeh* and beatings.

76. Palestinians in Gaza continued to be harassed for their political opinion and affiliation. On 29 August 2016, the coordinator of Fatah's electoral campaign in Bani Suhaila, east of Khan Younis, was abducted and subsequently assaulted by masked men reportedly affiliated with Hamas. On the same day, a female Fatah candidate for Bani Suhailia received several threatening telephone calls and text messages from a man also reportedly affiliated with Hamas. On 17 October 2016, senior officials at the Ministry of the Interior and the Israel Security Agency reportedly threatened a senior Fatah leader in connection with his perceived incitement against the authorities.

77. Moreover, Gaza security forces banned and forcibly dispersed several peaceful assemblies. In a case monitored by OHCHR, on 16 August 2016, the security forces dispersed a sit-in of Fatah-affiliated employees at Al-Aqsa University, inside the university campus. Several participants were assaulted by police and the university security guards.

IV. Conclusions and recommendations

78. **Over the past seven years, OHCHR has documented and reported repeated serious human rights violations by all duty bearers in the Occupied Palestinian Territory, particularly by Israeli authorities. OHCHR has consistently provided detailed information as to how impunity has driven human rights violations and how lack of accountability on both sides fuels new cycles of violence and conflict between Israelis and Palestinians.[75] Few efforts have been employed by the parties to establish accountability and provide redress to past and present violations of international humanitarian law and international human rights law, with the exception of one Israeli soldier charged with manslaughter in the West Bank. Even in that instance, senior officials and politicians in Israel have called for the trial to be ended or for the soldier to be pardoned if found guilty.[76] The Israeli authorities launched some investigations into the 2014 Gaza hostilities, but justice remains elusive with the exception of an indictment on looting. OHCHR has observed a deterioration of the human rights situation in the Occupied Palestinian Territory over the past few years.**

79. **Although the scale of violations is lower, impunity is also a major concern with regard to actions by Palestinian authorities both in Gaza and the West Bank. As the cases outlined in the present report indicate, there is little information about the outcome of investigations often announced by the Palestinian Authority. In Gaza,**

[74] See www.madacenter.org/reports.php?id=13&lang=1.

[75] See A/70/421, paras. 49-51.

[76] See www.timesofisrael.com/terrorists-must-be-killed-ex-deputy-idf-head-tells-hebron-shooter-trial/.

there is little information available about any investigation at all into violations of international law.

80. There can be no rule of law when human rights violations are committed with impunity and duty bearers ignore their international obligations. There can be no justice when victims of violations have no remedies available. There can be no peace in the absence of justice and the rule of law.

A. Government of Israel

81. The High Commissioner recommends that the Government of Israel:

(a) Ensure that all incidents in which law enforcement officers kill or injure any Palestinian, including in the Gaza "access restricted area", are promptly subjected to thorough, independent, impartial and effective criminal investigations;

(b) Ensure that firearms may only be used where there is imminent threat of death or serious injury and not as a crowd-control measure and that all instances of unnecessary use of firearms and force lead to the accountability of the responsible law enforcement officers; and ensure also that security forces are adequately equipped and trained on the use of less-lethal weapons;

(c) Give security personnel clear instructions to provide first aid to individuals wounded by the use of force and not to prevent paramedics from tending to wounded persons;

(d) In the context of hostilities in Gaza, ensure respect for international humanitarian law, in particular the principles of distinction, proportionality and precaution, and ensure accountability for all grave violations, including at the command level;

(e) Ensure that the rights of detainees are respected, particularly that they are not subject to torture or ill-treatment, and have access to their lawyers and family members;

(f) Promptly end the practice of administrative detention and either charge or release all individuals currently held under that regime;

(g) Ensure that all children under the age of 18 years are treated with due consideration for their age and detained only as a last resort and, if so, for the shortest possible time and for the purpose of rehabilitation;

(h) Ensure that all allegations of torture are promptly, thoroughly and effectively investigated by an independent and impartial body;

(i) Immediately end all practices of collective punishment, including the blockade of Gaza, punitive house demolitions, closures of towns and villages and the retention of bodies;

(j) Ensure that human rights defenders, in both Israel and the Occupied Palestinian Territory, are respected and protected and permitted to conduct their activities without harassment.

B. Government of the State of Palestine

82. **The High Commissioner recommends that the Government of the State of Palestine:**

(a) **Ensure that all use of force is consistent with international human rights standards;**

(b) **Ensure that allegations of human rights violations are investigated in line with international standards;**

(c) **End arbitrary detention, including the practices of repeated detention and administrative detention in lieu of charges, and either charge or release all individuals currently held in such a manner;**

(d) **Respect, protect and fulfil the rights to freedoms of expression and opinion and peaceful assembly and remove all unlawful restrictions from statutory law;**

(e) **Ensure that violence against women is not condoned, including by amending article 99 of the Penal Code to exclude mitigation on grounds of "honour killing";**

(f) **Announce a formal moratorium on executions as a first step towards the abolition of the death penalty and the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights.**

C. Gaza authorities and Palestinian armed groups

83. **The High Commissioner recommends that authorities and armed groups in Gaza:**

(a) **Ensure, along with Palestinian armed groups in Gaza, respect for international humanitarian law, in particular the principles of distinction, proportionality and precaution, and ensure accountability for grave violations;**

(b) **Announce a moratorium on executions; and ensure that all those being tried, particularly in capital cases, all receive a fair trial, consistent with international standards;**

(c) **Promptly investigate all incidents of deaths in custody of security forces and affiliated armed groups;**

(d) **Ensure that no one is arbitrarily detained, held in incommunicado detention or subjected to torture and ill-treatment;**

(e) **Respect, protect and fulfil the rights to freedoms of expression, association and peaceful assembly, including the right of media personnel and non-governmental organizations to conduct their activities without harassment.**